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To: Microsoft ATR
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Subject: Microsoft Settlement

To Whom It May Concern...

I'm wondering when the law stopped being about doing right and achieving justice and instead turned to "settling". Especially settling with _Microsoft_, a known and repeat offender which has shown nothing but contempt (when it has cared at all) for the ongoing litigation against it.

Since when do law-breakers have to agree to their punishment?

Microsoft corp is guilty of the premeditated bludgeoning Netscape corp to a bloody pulp (with a killer app). Or, from another point of view, the Mafia is guilty of "anti-competitive behavior".

The remedy for this Microsoft situation and the ongoing situation (try uninstalling Windows Media Player or Windows Movie Maker from Windows XP -- I certainly can't figure out how) shouldn't involve Microsoft agreeing to it [I've not seen them admit any guilt] or rely on Microsoft changing internal behavior to abide by it [see also "consent decree"].

But also consider:

- 1) All current Microsoft sales contracts to OEMs are null and void. Microsoft must write a new, open contract that anybody can take advantage of to purchase any software that Microsoft makes available in an OEM fashion. Volume discounts not allowed as -- according to them -- there are no barriers to entry in the software market, ergo minimal distribution costs in the OEM channel, therefore nothing to discount. (Dell will be charged the same amount for a Windows license as the corner parts shop down the road.)
- 2) Prior to releasing a version of Windows, Microsoft must submit its entire source code to a government compliance committee. If said committee cannot make the code compile in a way that makes it look the same as the "gold" Windows code, the Windows product cannot be released. Further, committee will be allowed to freely redistribute their findings about the current state of Windows interfaces (APIs) as a standard to allow other people to adopt the Windows standard. (Or is it "embrace and extend" the Windows standard? Anyway, the difference with this suggestion is that Microsoft isn't allowed to sell a new version of Windows until the APIs are in the public domain so compliance will be rather less of an issue.)
- 3) Just as a side suggestion, the fees Microsoft charges for support can never be more expensive than what Microsoft charged for a specific application. For example, if Outlook Express (free, bundled with Windows, haven't figured out how to uninstall it -- but the splash screen says Outlook Express, not Windows XP) is giving you problems, you can get support for it for free. Windows is giving you problems? Support costs are maxxed out at the OEM price of Windows. This would give Microsoft an incentive to deal quickly and directly with consumers in a manner that rapidly resolves the consumers' problems -- as opposed to telling them to ask their hardware vendor. (Really, what does Dell know about Outlook Express?)

Anyway, the first two points would be the most important: Microsoft cannot do business as usual anymore because their usual business is _illegal_. Point 3 is just a remedy for my personal frustration with Microsoft products.

The point is is that this is a real remedy, not something that Microsoft can say "no" to because they don't feel like it, not something that they can look back on in a few years and say "see how nice we are?" Quite frankly, if wrongdoing is found in the Enron case, we're not going to fine Mr. Lay \$50 and send him out to be a motivational speaker at high schools. ("Hi Kids! Creative accounting more or less worked for me, and it can work for you too! Oh, and stay of drugs -- they're expensive." It just wouldn't happen.) So why should we consider giving such treatment to a company that won't even admit it's bad behavior?

Sincerely,
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